



February 24, 2016

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## ENGROSSED HOUSE BILL No. 1082

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DIGEST OF HB 1082 (Updated February 22, 2016 12:50 pm - DI 55)

**Citations Affected:** IC 13-14.

**Synopsis:** Environmental rules and policies. Requires the department of environmental management (IDEM) to report annually to the legislative council: (1) any administrative rule adopted by the environmental rules board (board) or proposed by IDEM; (2) any operating policy or procedure instituted or altered by IDEM; and (3) any nonrule policy or statement put into effect by IDEM; during the previous year that constitutes a change in the policy previously followed by IDEM under the provisions of IC 13 and the rules adopted by the board.

**Effective:** July 1, 2016.

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### Wolkins, VanNatter, Goodin, Baird

(SENATE SPONSORS — CHARBONNEAU, RAATZ, PERFECT, BROWN L,  
SCHNEIDER, FORD, BANKS)

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January 5, 2016, read first time and referred to Committee on Environmental Affairs.  
January 28, 2016, amended, reported — Do Pass.  
February 1, 2016, read second time, amended, ordered engrossed.  
February 2, 2016, engrossed. Read third time, passed. Yeas 64, nays 33.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Environmental Affairs.  
February 23, 2016, amended, reported favorably — Do Pass.

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EH 1082—LS 6453/DI 55





February 24, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1082

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-14-1-11.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 11.7. (a) Before July 1 of each**  
4 **year, the department shall report:**

5 (1) **any administrative rule that has been:**

6 (A) **proposed by the department; or**

7 (B) **adopted by the board;**

8 (2) **any operating policy or procedure that has been instituted**  
9 **or altered by the department; and**

10 (3) **any nonrule policy or statement that has been proposed or**  
11 **put into effect under section 11.5 of this chapter;**  
12 **since the preceding July 1 that constitutes a change in the policy**  
13 **previously followed by the department under this title and the rules**  
14 **adopted by the board.**

15 (b) **The report required under subsection (a) shall be submitted**  
16 **in an electronic format under IC 5-14-6 to the executive director of**  
17 **the legislative services agency, who shall present it to the legislative**

EH 1082—LS 6453/DI 55



1 council established by IC 2-5-1.1-1 before the following September  
2 1.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1082, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

**"(c) The board may adopt a rule or standard if:**

**(1) a corresponding regulation or standard established under federal law does not exist; and**

**(2) the rule or standard is adopted by the board under appropriate general or specific statutory authority granted to the board.**

**(d) If a regulation is established under federal law that is less stringent than a corresponding state rule, the state rule remains in effect until the earlier of the date:**

**(1) the state rule is amended to conform to the less stringent federal regulation; or**

**(2) specific statutory authority is granted to the department to enforce the rule that is more stringent than the federal regulation;**

**subject to IC 13-14-8-12.**

SECTION 2. IC 13-14-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12. The department may not enforce a rule or standard after July 1, 2016, that is more stringent than a corresponding regulation or standard established under federal law unless specific statutory authority is granted to the department to enforce the more stringent rule or standard as provided in IC 13-13-8-15(d)(2)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1082 as introduced.)

WOLKINS

Committee Vote: yeas 7, nays 6.



# HOUSE MOTION

Mr. Speaker: I move that House Bill 1082 be amended to read as follows:

Page 2, line 9, after "a" insert "**state**".

Page 2, line 10, after "standard" insert "**adopted or established**".

(Reference is to HB 1082 as printed January 29, 2016.)

PIERCE

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# COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1082, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1082 as reprinted February 2, 2016.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 0.

